

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

PHILLIP B. ASHDOWN,

Plaintiff,

v.

PRISON HEALTH SERVICES, *et al.*,

Defendants.

3:11-cv-00832-LRH-WGC

ORDER

Before the court is plaintiff Phillip Ashdown's ("Ashdown") motions to reconsider the court's order affirming the Magistrate Judge's Report and Recommendation #56 denying his motion for a temporary restraining order (doc. #6) and motion for preliminary injunction (doc. #7¹). Doc. ## 88, 97.

At all relevant times, Ashdown was an inmate in custody of the Nevada Department of Corrections ("NDOC"). The allegations giving rise to this action took place while Ashdown was housed at various NDOC facilities. Ashdown, a pro se litigant, brings this action pursuant to 42 U.S. C. § 1883.

On January 10, 2012, Ashdown filed a motion for a temporary restraining order and motion for preliminary injunction (#7) seeking an order that he be prescribed the pain medication

¹ Refers to the court's docket number.

1 hydrocodone to prevent further injury. On April 27, 2012, the Magistrate Judge issued a Report and
2 Recommendation denying Ashdown's motion for a temporary restraining order on the basis that
3 Ashdown had not shown a likelihood of success on the merits of his claim and that there was no
4 irreparable injury. Doc. #56. The Report and Recommendation also denied Ashdown's motion for
5 preliminary injunction because although Ashdown did not address either the factor of the balance
6 of hardships or the factor of public interest, the court found that these factors weigh against
7 granting injunctive relief because Ashdown's requested course of treatment is not supported by his
8 medical records.

9 Ashdown filed his Objections (#68) to the Report and Recommendation on May 31, 2012.

10 On June 29, 2012, the court entered an order affirming the report and recommendation and
11 denying Ashdown's motion for a temporary restraining order and his motion for preliminary
12 injunction. Doc. #81. Thereafter, Ashdown filed the present motions for reconsideration. Doc.
13 ##88, 97.

14 The court has reviewed the documents and pleadings on file this matter and finds no basis
15 for reconsideration of the court's order. In his motion, Ashdown alleges that reconsideration is
16 appropriate because of fraud by the court. However, a court should grant motions for
17 reconsideration only in limited circumstances. *See Bateman v. U.S. Postal Service*, 231 F.3d 1220,
18 1223 (9th Cir. 2000) (holding that reconsideration is warranted only upon a showing of mistake,
19 newly discovered evidence, fraud, or excusable neglect). Here, however, the court has found no
20 evidence of fraud. Accordingly, the court shall deny Ashdown's motion to reconsider.

21 IT IS THEREFORE ORDERED that plaintiff's motions to reconsider (Doc. ##88, 97) are
22 DENIED.

23 IT IS SO ORDERED.

24 DATED this 13th day of March, 2013.



25
26 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE